

REMARKS

Currently, claims 1-24, 26-33, and 35-38 remain pending in the present application, including independent claims 1, 24, and 33. All of the claims are directed to a device for treating appendage ailments. For example, the device of the present invention is particularly well suited for treating wounds, cuts or blisters appearing on one's fingers or toes. The device is also well suited for receiving a medicament for application to an appendage.

In the independent claims, the device for treating appendage ailments includes a nonelastic nonwoven web laminated with an elastic layer as stated in claim 1 or an elastic nonwoven material as stated in claims 24 and 33. The different layers form a sleeve that is configured to be placed over an appendage. Both claims require the nonelastic nonwoven web to form the interior surface of the sleeve. In this manner, the nonwoven web provides a surface for treating an appendage, while the elastic layer provides form-fitting properties to the sleeve.

In independent claim 33, the device for treating appendage ailments includes a sleeve member formed from a first panel that is attached to a second panel. The first panel comprises an elastic nonwoven material while the second panel comprises a nonwoven web. Similar to claims 1 and 24, claim 33 requires the nonwoven web to define at least a portion of an inner surface of the hollow sleeve. Claim 33 also requires the hollow sleeve to have a first open distal end and a second open proximal end.

In the latest Office Action, independent claims 1, 24, and 33 were rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 3,675,264 to Storandt. Storandt is directed to a dentifrice applicator for teeth cleaning. The applicator is made from a laminated construction comprising an outer layer 11 and an inner layer 12 (see Figure 3) that is constructed of a "moisture impervious, plastic film material, such as polyethylene or the like". (column 2, lines 30-34).

Thus, in stark contrast to independent claims 1, 24 and 33, Storandt teaches a device in which the interior surface is formed from a moisture impervious film instead of a nonwoven web that provides a surface for treating an appendage. As such, Storandt fails to anticipate claims 1, 24 and 33.

In fact, Storandt teaches away from the invention defined in the claims. In particular, Storandt teaches placing a moisture impervious plastic film on the interior of the dentifrice applicator so that the applicator is "completely sanitary in operation" such that no saliva ever contacts the user's finger.

Thus, not only does Storandt fail to disclose a hollow sleeve as defined in claims 1, 24, and 33 in which a nonwoven web forms the interior surface of the sleeve, Storandt, in fact, teaches away from the arrangement of layers as required in the claims. As such, it is believed that claims 1, 24, and 33 patentably define over Storandt.

In addition to failing to disclose a hollow sleeve in which a nonwoven web forms the interior surface of the sleeve, Storandt also fails to disclose or suggest the use of an elastic layer as required in claims 1, 24 and 33. In particular, all of the claims require an elastic layer or an elastic nonwoven material that is capable of being stretched and contracted for providing the sleeve member with form-fitting properties. Such an elastic layer is completely absent from Storandt. Instead, Storandt merely discloses the use of a moisture impervious plastic film. As such, Storandt's failure to disclose an elastic layer provides yet another basis for finding the claims patentable over Storandt.

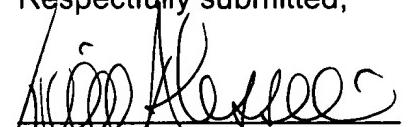
In summary, it is believed that the claims as currently amended are patentably distinct over the prior art of record and are in complete condition for allowance. Favorable action, therefore, is respectfully requested. Should any issues remain after consideration of this Amendment, however, then Examiner Hamilton is invited and encouraged to telephone the undersigned at her convenience.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

3 | 1 | 04

Date

Respectfully submitted,


Timothy A. Cassidy
DORITY & MANNING, P.A.

P.O. Box 1449
Greenville, SC 29602
(864) 271-1592
(864) 233-7342